

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-184766

DATE: JUN 25 1976

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MATTER OF:

John M. Hotaling - Per Diem at Training Course

DIGEST:

Employee of Naval Sea Systems Command claimed additional per diem and stated that he accepted travel advance based on per diem rate of \$25 in good faith and that neither he nor his command were aware that there was lesser per diem rate (\$8.30) for assignment at Defense Management Systems Course, Naval Post Graduate School. Claim may not be allowed as travel orders prescribed per diem at rate set by Joint Travel Regulations; employee is charged with knowledge of applicable laws and regulations. See cases cited.

This action concerns a request for reconsideration of the disallowance in Certificate of Settlement Z-2587692, issued July 18, 1975, by our Transportation and Claims Division (now Claims Division), of the claim of Mr. John M. Hotaling for per diem at the rate of \$25 per day for temporary duty performed from January 6, 1975, through January 31, 1975, at the Naval Post Graduate School in Monterey, California.

The record shows that Mr. Hotaling, an employee of the Naval Sea Systems Command, Washington, D.C., was issued Travel Order No. N0002475T05CWQA, dated December 27, 1974, to attend the Defense Management Systems Course at the Naval Post Graduate School, Monterey, California, from January 6 to January 31, 1975. The travel order authorized per diem in accordance with the Joint Travel Regulations and showed an estimated cost of \$750. This estimate was based on an assumed per diem rate of \$25 per day for 30 days. On December 31, 1974, Mr. Hotaling was paid a travel advance of \$750.

After returning from the Naval Post Graduate School in Monterey, Mr. Hotaling received a letter from the Navy Regional Finance Office, Washington, D.C., dated February 21, 1975, which stated that his travel advance of \$750 exceeded earned entitlements by \$479.17 and requested repayment of the same. The reason for the overpayment was explained as follows in a second letter to Mr. Hotaling, dated March 12, 1975:

"The Joint Travel Regulations, Paragraph C8101-21(2) provides that,

"The following per diem rates are prescribed for the courses and locations specifically indicated. The period of applicability of rates shown is as indicated in Para. C10100-3b. The per diem rates shown are not subject to further reduction."

"Defense Management Systems Course,
Naval Post Graduate School,
Monterey, CA. 8.30

"Since this is a prescribed per diem rate while attending this course, there is no authority for reimbursement at a higher rate."

Mr. Hotaling filed a claim for additional per diem at the rate of \$25 per day from January 6 to January 31, 1976, which was disallowed by our Claims Division on the basis that he had received the per diem allowance to which he was entitled under the Joint Travel Regulations.

In appealing this adverse determination, Mr. Hotaling contends that he accepted his travel advance in good faith based on the per diem rate authorized in his travel orders and that neither he nor his command were aware of the requirement regarding an \$8.30 per diem rate. A memorandum, dated March 19, 1975, from the Personnel Officer at Mr. Hotaling's command substantiates his statement.

In B-182324, July 31, 1975, we upheld the disallowance of a claim for additional per diem where the Joint Travel Regulations were amended reducing the applicable per diem rate at the Air War College after an employee has been issued travel orders to attend the Air War College. In that case neither the employee nor his command were aware of the reduction at the time the employee began his temporary duty assignment.

As stated earlier, Mr. Hotaling's travel order authorized per diem in accordance with the Joint Travel Regulations (JTR). The per diem rate prescribed at 2 JTR C8101-21(2) (Change 111, January 1, 1975) for the Defense Management Systems Course is

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\$8.30. While it is unfortunate that the estimated expenses were in error and that Mr. Hotaling's travel advance was issued in accordance with the estimate, all employees are charged with the knowledge of applicable laws and regulations. See B-183246, April 10, 1975; B-177641, March 1, 1973; B-173927, October 27, 1971; and B-169224, April 8, 1970.

In light of the foregoing, Certificate of Settlement Z-2587692, dated July 18, 1975, disallowing Mr. Hotaling's claim for additional per diem is hereby affirmed.

R.F.KELLER

Deputy

Comptroller General
of the United States